

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Jun 14, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MICHAEL B. FUHRMAN,

Petitioner,

v.

FERRY COUNTY SUPERIOR  
COURT,

Respondent.

No. 2:21-cv-00083-SMJ

**ORDER DISMISSING PETITION**

By Order filed April 6, 2021, the Court directed Petitioner Michael B. Fuhrman, a prisoner housed at the Ferry County Jail in Republic, Washington, to file an amended petition. ECF No. 4. Petitioner is proceeding *pro se* and *in forma pauperis*. Respondent has not been served. Petitioner did not comply with the Court's Order and has filed nothing further in this action.

Petitioner did not name a proper respondent in his federal petition seeking habeas corpus relief. Therefore, the Court has no jurisdiction over his federal habeas claims. *See Rumsfeld v. Padilla*, 542 U.S. 426 (2004); *Stanley v. Cal. Supreme Court*, 21 F.3d 359, 360 (9th Cir. 1994). Furthermore, it was unclear

1 from Petitioner's submission whether he was in custody pursuant to a judgment of  
2 conviction or was still awaiting trial.

3       Regardless, Plaintiff did not present facts showing he has exhausted his  
4 state court remedies regarding his speedy trial arguments as is required prior to  
5 presenting these claims to the federal courts. *See, e.g., Braden v. 30th Judicial*  
6 *Circuit Court*, 410 U.S. 484, 489–92 (1973); *Carden v. Montana*, 626 F.2d 82, 83  
7 (9th Cir. 1980). To the extent Petitioner's state criminal proceedings are still  
8 pending, the Court finds it proper to abstain from intervening in those proceedings  
9 under *Younger v Harris*, 401 U.S. 37 (1971).

10       It plainly appears from his single page petition that Petitioner is not entitled  
11 to relief in this Court at this time. Therefore, for the reasons set forth above and in  
12 the Court's Order to Proceed *In Forma Pauperis* and to File Amended Petition,  
13 ECF No. 4, the Court finds it appropriate to dismiss this action without prejudice  
14 for failure to exhaust state court remedies.

15       Accordingly, **IT IS HEREBY ORDERED:**

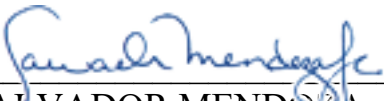
- 16       **1. The Petition, ECF No. 1, is DISMISSED WITHOUT**  
17       **PREJUDICE** pursuant to Rule 4, Rules Governing Section 2254  
18       Cases in the United States District Courts, for failure to exhaust state  
19       court remedies.

1           **2.**     The Clerk's Office is directed to **ENTER JUDGMENT** and **CLOSE**  
2           this file.

3           **3.**     The Court certifies that an appeal from this decision could not be  
4           taken in good faith and there is no basis upon which to issue a  
5           Certificate of Appealability. *See* 28 U.S.C. §§ 1915(a)(3), 2253(c);  
6           Fed. R. App. P. 22(b).

7           **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order  
8           and provide a copy to Petitioner.

9           **DATED** this 14<sup>th</sup> day of June 2021.

10                                   
11                                 \_\_\_\_\_  
                                  SALVADOR MENDOZA, JR.  
                                  United States District Judge